



DFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95459

Patrice LEONE, et al.

Appln. No.: 10/584,154

Group Art Unit: Not Yet Assigned

Confirmation No.: 5083

Examiner: Not Yet Assigned

Filed: June 22, 2006

For: **METHOD FOR ELIMINATING POLLUTANTS CONTAINED IN AN ELASTIC PART**

**SUBMISSION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT (IPER)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report. It is noted that the four references cited in the International Search Report were previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on June 22, 2006, and are therefore not enclosed herewith.

Respectfully submitted,

Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 2, 2006

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Date d'expédition (jour/mois/année)
08 septembre 2006 (08.09.2006)

Référence du dossier du déposant ou du mandataire
VALS 960 PCT

Demande internationale n°
PCT/FR2004/050753

Destinataire :

CAPRI
33 rue de Naples
F-75008 PARIS
FRANCE



NOTIFICATION IMPORTANTE

Date du dépôt international (jour/mois/année)
23 décembre 2004 (23.12.2004)

Déposant

VALOIS SAS etc

1. Transmission de la traduction au déposant.

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

Aucun

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI
34, chemin des Colombettes
1211 Genève 20, Suisse

Fonctionnaire autorisé

Athina Nickitas-Etienne

n° de télécopieur +41 22 338 82 70

n° de télécopieur +41 22 338 82 70

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

| | | | |
|--|---|--|----------------------------|
| Référence du dossier du déposant ou du mandataire VALS 960 PCT | POUR SUITE À DONNER | | Voir le point 4 ci-dessous |
| Demande internationale no. PCT/FR2004/050753 | Date du dépôt international (<i>jour/mois/année</i>) 23 December 2004 (23.12.2004) | Date de priorité (<i>jour/mois/année</i>) 23 December 2003 (23.12.2003) | |
| Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237 | | | |
| Déposant VALOIS SAS | | | |

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 6 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

| | |
|---|---|
| <input checked="" type="checkbox"/> Cadre n° I | Base de l'opinion |
| <input type="checkbox"/> Cadre n° II | Priorité |
| <input type="checkbox"/> Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input checked="" type="checkbox"/> Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport
29 August 2006 (29.08.2006)

| | |
|---|---|
| Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70 | Fonctionnaire autorisé Athina Nickitas-Etienne e-mail: pt04@wipo.int |
|---|---|

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|---|--|--|
| Applicant's or agent's file reference VALS 960 PCT | | Date of mailing (day/month/year) See Form PCT/ISA/210 (sheet 2) |
| International application No. PCT/FR2004/050753 | | International filing date (day/month/year) 23.12.2004 |
| Priority date (day/month/year) 23.12.2003 | | |
| International Patent Classification (IPC) or both national classification and IPC C08J7/02, C08F6/28, B01D11/02 | | |
| Applicant VALOIS SAS | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050753

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/FR2004/050753

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-----|-------------|--------|-----|--|--------|-----|--|--|----|---------------------|--------|-----|--|--------|-----|--|--|----|-------------------------------|--------|-----|--|--------|-----|--|--|----|
| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-8</td> </tr> <tr> <td></td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-8</td> </tr> <tr> <td></td> <td></td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-8</td> </tr> <tr> <td></td> <td></td> <td>NO</td> </tr> </table> | | | Novelty (N) | Claims | YES | | Claims | 1-8 | | | NO | Inventive step (IS) | Claims | YES | | Claims | 1-8 | | | NO | Industrial applicability (IA) | Claims | YES | | Claims | 1-8 | | | NO |
| Novelty (N) | Claims | YES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | 1-8 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | NO | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Inventive step (IS) | Claims | YES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | 1-8 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | NO | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Industrial applicability (IA) | Claims | YES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | 1-8 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | NO | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>2. Citations and explanations:</p> <p>Reference is made to the following documents in the present notification:</p> <p>D1: GB-A-2 314 336 D2: GB-594 871 D3: DE-A-42 05 765 D5: WO-A-93/12161</p> <p>1. Novelty (PCT Article 33(2)):</p> <p>1.1 Document D1 describes eliminating pollutants contained in an elastic part, comprising a stage in which the pollutants are extracted by immersing the part in ethanol (see example 1). The elastic part is used in a metered inhaler (see page 1, lines 5-11). Therefore, claims 1-8 of the present application are not novel in light of document D1.</p> <p>1.2 Document D2 describes eliminating pollutants contained in an elastic part, comprising a step in which the pollutants are extracted by immersing the part in ethanol (see example 1, page 3, lines 11-42). Therefore,</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/FR2004/050753

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

claims 1-6 of the present application are not novel in light of document D2.

1.3 Document D3 describes eliminating extractible compounds contained in an elastic part, comprising a step in which the compounds are extracted with ethanol in a "Soxhlet" apparatus in which the ethanol is permanently replenished during the extraction (see examples, figure 1, page 3, lines 15-44). Therefore, claims 1-6, 8 of the present application are not novel in light of document D3.

1.4 Document D5 describes eliminating pollutants contained in an elastic part, comprising a step in which the pollutants are extracted by immersing the part in a solvent (see abstract, page 6, lines 12-26), for example ethanol (see page 7, line 5). The elastic part is used in a metered inhaler (see abstract). Therefore, claims 1-8 of the present application are not novel in light of document D5.

2. Inventive step (PCT Article 33(3)):

2.1 Claims 1-8 of the present application are not novel and, consequently, are not inventive.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050753

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The expression "low molecular weight" in claim 5 is not clear and must be replaced by a more precise expression.
2. The expression "high molecular weight" in claim 6 is not clear and must be replaced by a more precise expression.